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HSING, DEMING XIAO, MAURICE SCIAMMAS,
PAUL UEUNTEN and C. RICHARD NEELY, JR. and
Nominal Defendant MONOLITHIC POWER
SYSTEMS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**IRON WORKERS LOCAL NO. 25
PENSION FUND, Derivatively on Behalf of
MONOLITHIC POWER SYSTEMS, INC.,**

Plaintiff,

v.

**KAREN A. SMITH BOGART, HERBERT
CHANG, VICTOR K. LEE, DOUGLAS
McBURNIE, JAMES C. MOYER, UMESH
PADVAL, JEFF ZHOU, MICHAEL R.
HSING, DEMING XIAO, MAURICE
SCIAMMAS, PAUL UEUNTEN, C.
RICHARD NEELY, JR. and FIRST
NIAGARA FINANCIAL GROUP, INC.,**

Defendants,

-and-

**MONOLITHIC POWER SYSTEMS, INC., a
Delaware corporation,**

Nominal Defendant.

Case No. 11-CV-04604 PSG

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXTENDING TIME FOR
DEFENDANTS TO RESPOND TO
COMPLAINT AND RESETTING
THE INITIAL CASE
MANAGEMENT CONFERENCE**

**Courtroom: 5, 4th Floor
Judge: Hon. Paul Singh Grewal**

1 Pursuant to Civil L.R. 16-2(e), Plaintiff Iron Workers Local No. 25 Pension Fund
2 (“Plaintiff”) and Defendants Karen A. Smith Bogart, Herbert Chang, Victor K. Lee, Douglas
3 McBurnie, James C. Moyer, Umesh Padval, Jeff Zhou, Michael R. Hsing, Deming Xiao, Maurice
4 Sciammas, Paul Ueunten, C. Richard Neely, Jr. and First Niagara Financial Group, Inc., and
5 Nominal Defendant Monolithic Power Systems, Inc. (collectively “Defendants” and, together
6 with Plaintiff, the “Parties”) jointly submit this Stipulation and [Proposed] Order Extending Time
7 for Defendants to Respond to Complaint and Resetting the Initial Case Management Conference.
8 Pursuant to Civil L. R. 6-2(a), this Stipulation is also supported by the Declaration of William S.
9 Freeman, filed herewith.

10 WHEREAS, Plaintiff filed this action on September 16, 2011 and has agreed that
11 Defendants may have until December 5, 2011 to respond to the complaint;

12 WHEREAS, the Parties anticipate that one or more Defendants will move to dismiss the
13 complaint, and have further agreed that, in order to permit the Parties to fully brief the issues
14 involved in any such motion, Plaintiff may have until January 19, 2012 to file an opposition to
15 any motion to dismiss and the moving Defendant(s) may have until February 9, 2012 to file any
16 replies;

17 WHEREAS, Civil L.R. 16-2(a) states that the Initial Case Management Conference shall
18 be set “not less than 90 days after the action was filed” and the Initial Case Management
19 Conference is currently scheduled for November 15, 2011, a date that is only 60 days from the
20 filing of this action;

21 WHEREAS, the Parties also believe that the date currently set for the Initial Case
22 Management Conference is sooner than would be ideal for the efficient management of the case,
23 and believe that moving the Initial Case Management Conference and combining it with the
24 hearing on the motion(s) to dismiss will conserve judicial resources and allow for a more
25 meaningful discussion of case management issues between the parties and the Court;

26 WHEREAS, the Parties agree that, subject to the approval of the Court, such hearing and
27 Initial Case Management Conference should take place on February 23, 2012 or as soon
28 thereafter as the Court is available;

1 WHEREAS, the Parties further agree that all other dates in the Order Setting Initial Case
2 Management Conference and ADR Deadlines should be re-set in conformity with the new Initial
3 Case Management Conference date; and

4 WHEREAS, there have been no previous time modifications in this case and the requested
5 time modification will not significantly alter the case schedule.

6
7 IT IS THEREFORE STIPULATED BY AND BETWEEN THE PARTIES, AS FOLLOWS:

8 1. Defendants may have until December 5, 2011 to respond to the complaint in this
9 action.

10 2. In the event any Defendant files a motion to dismiss the complaint, Plaintiff shall
11 have until January 19, 2012 to respond to the motion(s), and the moving Defendant(s) shall have
12 until February 9, 2012 to file a reply.

13 3. The Initial Case Management Conference may be re-set to coincide with the
14 hearing on any motion to dismiss.

15 4. The hearing on any motion to dismiss and the Initial Case Management
16 Conference may be set to take place on any date on or after February 23, 2012 that the Court may
17 direct.

18 5. All other dates in the Order Setting Initial Case Management Conference may be
19 re-set in conformity with the new date for the Initial Case Management Conference.

20
21 Dated: October 20, 2011

By: /s/ William S. Freeman

William S. Freeman
JONES DAY

23 Counsel for Defendants KAREN A. SMITH
24 BOGART, HERBERT CHANG, VICTOR
25 K. LEE, DOUGLAS MCBURNIE, JAMES
26 C. MOYER, UMESH PADVAL, JEFF
27 ZHOU, MICHAEL R. HSING, DEMING
28 XIAO, MAURICE SCIAMMAS, PAUL
UEUNTEN, and C. RICHARD NEELY,
JR., and Nominal Defendant MONOLITHIC
POWER SYSTEMS, INC.

1 In accordance with General Order No. 45, Rule X, the above signatory attests that
2 concurrence in the filing of this document has been obtained from the signatories below.

3
4 By: /s/ William J. Goines
William J. Goines
GREENBERG TRAURIG, LLP

5
6 Counsel for Defendant FIRST
NIAGARA FINANCIAL GROUP, INC.

7
8
9 By: /s/ Travis E. Downs III
Travis E. Downs III
ROBBINS GELLER RUDMAN &
DOWD LLP

10
11 Counsel for Plaintiff IRON WORKERS
12 LOCAL NO. 25 PENSION FUND

13
14 PURSUANT TO STIPULATION, IT IS SO ORDERED. The Initial Case Management
15 Conference and the hearing on any motions to dismiss the complaint shall take place at 10:00m.
16 on February 21, 2012.

17
18
19 Dated: October 31, 2011

20 By: Paul S. Grewal
Hon. Paul S. Grewal
United States Magistrate Judge

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